

Appln No. 09/721,862
Amtd. Dated October 27, 2003
Reply to Office action of August 15, 2003

5

REMARKS/ARGUMENTS

Applicant thanks Examiner for his comments, but notes that only selected issues raised by Applicant in the previous response appear to have been considered in this Office Action.

Examiner's attention is drawn to MPEP 707.07(f), where it is made clear that when a rejection is traversed by Applicant, Examiner is under a duty to "take note of the applicant's argument and respond to the substance of it". The absence of support for Examiner's position in the earlier Office Action was pointed out in detail by Applicant in the last response, so we are disappointed that Examiner has again failed to consider all of the arguments presented by Applicant.

In relation to claim 1, there were effectively two arguments raised by Applicant as to why Sekendur was not relevant, being:

1. X-Y coordinates are not "functional attributes".
2. The coded data in Sekendur is not related in any way to a "region".

Examiner considered the first of these arguments but appears to have overlooked the highly relevant second arguments. Certainly, there is no explanation of why Examiner has rejected the claims in view of these additional arguments. Again, Examiner's attention is drawn to MPEP 707.07(f). If Examiner is unwilling to explain the reason for rejecting the claims in spite of these arguments, Applicant submits that it is difficult to ascertain how to respond in a way that will advance prosecution of the present application. Applicant therefore respectfully requests that Examiner explain the reasons for rejecting this argument in the event it is maintained. If Examiner is unable to give adequate reasons for rejecting the argument, then it is submitted that the claim should be allowed.

Notwithstanding these comments, in order to move prosecution of the present application forward, Applicant has amended claim 1 to incorporate the features of claim 3. Claim 1 now requires that at least some of the coded data include:

- (a) a region
- (b) upon which is disposed coded data
- (c) wherein at least some of the coded data includes BOTH:
 - (i) data indicative of a functional attribute of the region; and
 - (ii) data indicative of a location.

Applicant submits that Examiner's comments about claim 3 are an incorrect reading of the claim and of the prior art. Claim 1 originally defined that the coded data was indicative of a functional attribute of the region in which the coded data was disposed. Claim 3 ADDED the feature that some of the coded data was also indicative of a location. It is quite clear from the broadest reasonable interpretation of the language used that there must be two distinct types of data involved, one of which relates to a functional attribute of the region and the other of which is indicative of a location. The coded data in Sekendur is SOLELY indicative of a location, and as a matter of logic cannot also be indicative of something else (such as a functional attribute).

In relation to original claim 3, Examiner suggested that the "position related coding means" was equivalent to the coded data and that the phrase "indicating of X-Y coordinates" served as being indicative of location. However, Examiner is reminded of the principle that additional features must be considered as being distinct from the earlier introduced features. In particular, the feature of claim 3 was not limiting of the functional attribute, it was additional.

In the present case, Examiner has already identified the X-Y coordinates as being the "functional attribute" defined in claim 1. The additional feature of claim 1 (taken from original claim 3) defines that the coded data "also" includes data indicative of a location. The broadest interpretation of this language requires that two forms of data be included in the coded data - one type for the functional attribute and the other for the location. In contrast, Examiner appears to be saying that the functional attribute and the location indicated by the single type of data in Sekendur anticipate the present invention. For the reasons above, Applicant submits that this is an incorrect interpretation of the language used in the claims, which was selected specifically to avoid the interpretation chosen by Examiner.

Regarding claim 2, Examiner suggests that the "text field" in Sekendur is disclosed by the use of handwriting recognition in Sekendur. With respect, this is plainly wrong. One might argue that there is some form of implicit disclosure of a handwriting field in Sekendur (although Applicant disagrees that even this broad interpretation is correct). However, claim 2 is not about the *general* use of fields (or hyperlinks, text boxes, etc). Claim 2 defines the very specific requirement that "the functional attribute indicates at least one of the group..." The functional attribute is therefore defined in claim 1 as being included as a form of data in the coded data as defined. In Sekendur, the coded data explicitly defines only an X-Y coordinate system. There is therefore no disclosure of the coded data including data that indicates one of the listed data types.

It is admitted that this is a subtle point, but it is quite plain that the broadest reasonable interpretation of claim 2 requires that the coded data indicate directly one of the listed group. Sekendur fails to disclose or suggest any such relationship, so it is submitted that claim 2 is allowable.

Finally, despite Applicant's request, Examiner has STILL failed to draw a link between the specific features of a number of the dependent claims and Sekendur. In item 3 of the Office Action, Examiner only specifically refers to claims 15 to 20, and implicitly to claim 1. In the response to Applicant's arguments, Examiner acknowledges Applicant's demand that the individual features of claims 2 to 14 be addressed by Examiner, but still, even this late stage, has refused to identify the specific features of many of these dependent claims.

Specifically, Examiner is requested to identify the location of the following important claimed features in Sekendur. Please note that only the most important features have been identified, and that Applicant does not acknowledge that the features of any of the other claims are anticipated by Sekendur:

Claim 4: "an identity" - this feature has a clear meaning to one skilled in the art, and Sekendur utterly fails to disclose such a feature.

Claim 7: "the identity is indicative of an identity of the region" - again, Sekendur is entirely silent on this point.

It would be appreciated if Examiner would specifically identify, by column and line reference, which features in Sekendur are said to be equivalent to the features defined in claims 4 and 7. If this is not done, it amounts to failing to provide details of the case against Applicant, which is a denial of natural justice (and a failure to fulfil the Examiner's duties set out in the MPEP).

Claims 8 to 14 correspond to claims 1 to 7. Claim 8 has been amended to align it with amended claim 1 and is patentable for the same reasons.

Claims 9 to 20 related to system and apparatus claims. Claim 15 and 19 have been amended somewhat to align it with claim 1. No new matter has been entered, and it is submitted that no new issues are raised for consideration by Examiner.

For some reason, Examiner appears to have ignored Applicant's detailed comments and arguments in relation to most of claims 9 to 20. Again, Examiner is respectfully requested to respond to the detailed and highly relevant arguments lodged with Applicant's previous reply.

It is also submitted that the issuance of a Final Office Action whilst even a prima facie case is lacking against some of the claims is inappropriate, and that the finality of the present Office Action should therefore be withdrawn.

Further consideration of the arguments in this reply, and of the many arguments presented in the last reply but not dealt with, is respectfully requested.

Very respectfully,

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